

(3) The select committee shall have the same powers to obtain testimony and documents pursuant to subpoena as authorized under clause 2(m) of rule XI.

□ 1845

The SPEAKER pro tempore. The resolution presents a question of privilege.

Pursuant to rule IX, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) or his designee each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

I think the resolution that I offer outlines pretty clearly the promises that have been made and the promises I believe that have been broken over the course of the last 7 months. What we seek here is to understand exactly what did happen last night and to what extent changes in the rules need to be made to ensure that all Members are treated fairly.

As was stated in the resolution, myself and my colleagues in the minority believe that, in fact, we won the motion to recommit last night. We asked to bring this resolution that a select committee do, in fact, be impaneled, three Members from each side of the aisle to understand clearly what happened, but also to understand whether there are any changes in the rules that need to be made in order to ensure that all Members are treated fairly.

I and others have begun to believe that there's been a pattern of abuse that has occurred over the last several months. In many of these occurrences it appears the Chair is operating on their own, with little regard to the recommendations of the Parliamentarian. The Parliamentarians are here to preserve the precedents of the House and to ensure that all Members are treated fairly.

And as we watched the tape from last night, we watched from activities earlier this week, watched activities, frankly, earlier today that a pattern of activity continues to occur, and I believe that it's important for this select committee that, if it is created, to not only understand what happened last night, but to understand clearly are there any other changes that need to be made to ensure that all Members' voices are, in fact, heard.

We outline a select committee, we outline a timing for an interim report, but it's something that I believe would be in the best interests of the House, and I would urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HOYER. Madam Speaker, we had a conversation on the floor of the House today with reference to this matter. I introduced a resolution to investigate this matter. The minority leader asked me to withdraw that resolution. I withdrew it.

The minority leader then asked me to have a meeting with himself and Mr. BLUNT, and Mr. CLYBURN attended that meeting. We discussed the incident of last night, we discussed proceeding to do the people's business, and what would be the conduct today.

The minority leader suggested that I have a member of my staff contact a member of his staff to discuss the creation of this select committee. That was just a few hours ago. Those discussions have not begun obviously and may not begin.

The minority leader talks about patterns. I think this is a pattern. I'm deeply disappointed, not by the resolution itself; although, we think the facts that are stated in the resolution are incorrect. I want to tell every Member of this House that I do not believe that there was any wrongdoing by any party yesterday. I do believe that there was a mistake made. I said that this morning. I repeat that this afternoon, and I regret it. I regret it because that mistake, understandably, angered those who perceived themselves disadvantaged by that mistake. I have a disagreement with the conclusion in here that has been again stated by the minority leader that I think would be disproved by any investigation that occurs.

There was never a call of the vote prevailing at 215-213 with a Republican motion to recommit prevailing. There was never a call by the Chair of that vote, period.

I observed, to the minority leader, that for 2 hours and 45 minutes I sat on this floor, actually, I'm not good at sitting on this floor. I walked around and talked to a lot of Members. For 2 hours and 45 minutes, my side was prevailing; not for 5 minutes, not for 2 minutes, not for 1 minute, as was the case last night. For 2 hours and 45 minutes, my side was prevailing, and the vote lasted another 10 minutes. It was referred to on "60 Minutes" last Sunday.

Now, historically, in the last 12 years, let me tell you what my friends' actions would have been on this motion. Immediately you would have moved to table. I do not do that. I do not accept the premises in your resolution, but I welcome the investigation. I applaud coming to the bottom of what happened because I know what happened.

Now, I wasn't looking behind me; I was looking at the Chair. But I've been informed of what happened, and what happened is eight people changed their votes. Three were Republicans, five were Democrats. There were 428 people who voted last night during that series of three votes. Every time the vote was called, 428 people voted. And the Chair called the vote at 214-214, which as all of you know adds up to 428. So every Member of the House had voted. No one was excluded. But some changed their vote on your side, and then some changed their vote on my side. And so the vote ended up and was finally called at 212-216, and we prevailed.

Now, as I said this morning, I understand the anger that existed and the sense of unfairness that was felt because, on the board electronically, when one of the changes came forward switching from one of the 214 to one of the 215 and reducing the 214 to 213, that was immediately reflected on the electronic board as the Speaker was announcing the vote, and so you were angry. I don't blame you. For 2 hours and 45 minutes as we sat on the prevailing side, the winning side, having more votes than your side, the vote was not closed. So I empathize with the sense of anger and frustration that you have.

And so what did I do? I didn't do what one of your former leaders did, just shrugged my shoulders and said, well, that's the way it goes, folks. I went to that rostrum, and I said we ought to vacate this vote and we ought to give everybody a fair shot at making sure the result is what those 428 votes want to do, because I understood that you had a sense of being wronged, and I wanted, to the extent I could, to try to right that wrong.

So I asked unanimous consent that that vote be vacated. There were many objections on your side of the aisle. I'm not sure why. You thought the vote was improperly cast. I know my friend, and everybody knows he's my friend, but we have a deep disagreement on this conclusion. Mr. BLUNT believes that you won 215-213. We were ahead for 2 hours and 45 minutes. We didn't prevail. Why? Because the Speaker did not call the vote, and the Speaker didn't call the vote at the 215-213 margin. He called it at 214-214; you're absolutely right. But then he said, no, I was premature because there were changing votes, and so that vote was not finalized. You're absolutely right. The vote that was finalized was the accurate vote, 212 for your resolution and 216 against your resolution.

Now, one of those 216, of course, was the minority leader. He switched so he could make the motion, I presume, to reconsider, but it was not necessary for him to do that. I wanted, as I said, to try to make this right because, as I said on Tuesday night, and I repeated this morning, I want to try to have a civil relationship.

□ 1900

I work with a lot of you in this House on that side of the aisle. I like a lot of you on that side of the aisle. Some of you I do not know as well as I know others. More importantly than that, this is about my 40th year in legislative office, and I believe that it is important that we say hi to one another, respect one another and have trust in one another.

After you objected to the vacation of the vote, I moved to reconsider the vote, by which we prevailed on your motion to recommit.

I don't know why you didn't vote on that. It passed. We all voted for it on this side. All the Members on this side